

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David Sumid et al) Re: Information Disclosure
Serial No.: 09/894,347) Statement
Filed: June 28, 2001) Group: 2874
For: "GUIDED-MODE LASER APPARATUS) Examiner: not yet assigned
WITH IMPROVED CLADDING STRUCTURE)
AND A METHOD OF FABRICATING...") Date: January 14, 2002

GP/2874/10
HJD
IDS
RJG
8/28/02



Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In accordance with the Applicants' duty to disclose information which may be material to the examination of this application, the undersigned respectfully requests that the Examiner consider on the merits the documents listed on the enclosed Form PTO-1449 (modified) before issuing the first Office Action on the merits. We are enclosing herewith a copy of each document listed on the enclosed Form PTO-1449 (modified).

The filing of this Information Disclosure Statement (IDS) shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The Applicants believe that this IDS is being submitted before the issuance of a first Office Action on the merits and before the issuance of a Final Rejection or Notice of Allowance. Therefore, no official fees should be due; and this IDS should be considered on the merits. If this IDS is being submitted after the issuance of the first Office Action on the merits and before the issuance of a Final Rejection or Notice of Allowance, then the Commissioner is authorized to charge Deposit Account No. 12-0415 \$180.00 (or any other required amount), which is the fee set forth in 37

Adjustment date: 08/08/2002 EEFKUBAYI
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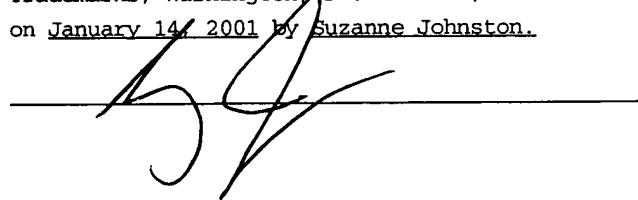
Information Disclosure Statement
USSN 09/894,347
January 14, 2002
Page 2

C.F.R. § 1.97(c); and this IDS should be fully considered on the merits, in accordance with 37 C.F.R. § 1.97(d). If this IDS is being submitted after the issuance of a Final Rejection or Notice of Allowance, then the Commissioner is not authorized to charge \$180.00 to Deposit Account No. 12-0415.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. (Notice of January 9, 1992, 1135 O.G. 13-25, at 25.)

The person making this statement is the practitioner who signs below on the basis of information supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)) and on the basis of information in the practitioner's file.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the "Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231",
on January 14, 2001 by Suzanne Johnston.



Respectfully submitted,



Richard P. Berg
Attorney for Applicant
Reg. No. 28,145

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Enclosures: Form PTO-1449 (modified) (1 page)
Copy of documents listed on Form PTO-1449 (modified)

U.S. Patent and Trademark Office
May 16, 2002
Page 2

It is to be noted that there is no fee due in connection with an IDS if the IDS is filed before the first official action issues irrespective of the filing date of the application concerned.

Please advise when we can expect to have the unauthorized charges refunded to our account. Also, please explain yourselves, since we find your actions in making unauthorized charges to our deposit account to be, in a word, disgusting.

Very truly yours,

LADAS & PARRY

Richard Berg
Richard P. Berg

RPB:las
Enclosures